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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Jennifer Hough,	.	Docket No.
	.	21-CV-04568-ENV-JRC
Plaintiff,	.	
	.	
v.	.	Brooklyn, New York
	.	Monday, January 31, 2022
ONIKA TANYA MARAJ, et al.,	.	
	.	
Defendants.	.	
. . . . .	.	

TRANSCRIPT OF ZOOM MOTION HEARING  
BEFORE THE HONORABLE JAMES R. CHO  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff:	T. A. Blackburn Law, PLLC. TYRONE ANTHONY BLACKBURN, ESQ. 1242 East 80th Street, 3rd Floor Brooklyn, New York 11236 347-342-7432
For the Plaintiff:	Tsyngauz & Associates, P.C. STEVEN N. GORDON, ESQ. 114 Mulberry Street Suite Ground Floor New York, New York 10013 631-356-8135
For the Defendant Kenneth Petty:	Law Offices of Steven D. Isser STEVEN DAVID ISSER, ESQ. 424 Madison Avenue, Third Floor New York, New York 10017 212-812-5096

Transcription Service:	Opti-Script, Inc. P.O. Box 77 Winfield, PA 17889 800-494-7500
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transcript produced by transcription service.

1 P R O C E E D I N G S

2 THE COURT: Hi. Good morning, everyone. We're  
3 here for a hearing on a motion to withdraw as counsel in  
4 Hough versus Maraj, et al., case number 21-cv-4568.

5 Can the parties state their appearances for the  
6 record, starting with Plaintiff?

7 MR. BLACKBURN: Tyrone Blackburn on behalf of the  
8 Plaintiff.

9 MR. ISSER: Steven Isser on behalf of Defendant  
10 Kenneth Petty.

11 MR. GORDON: Steven Gordon, formerly on behalf of  
12 Plaintiff.

13 THE COURT: Okay. Good morning, everyone. All  
14 right. So we are here on Mr. Gordon's motion to withdraw as  
15 counsel. What I want to do is in a few minutes break off  
16 into a private session and go off the record. I don't want  
17 any attorney-client communications put on the record. Okay?

18 UNIDENTIFIED VOICE: Okay.

19 THE COURT: All right. So first question for you,  
20 Mr. Gordon, under Local Rule 1.4, if you're going to move to  
21 withdraw as counsel, you have to indicate, one, whether  
22 you're asserting a retaining or charging lien. And two,  
23 whether you actually served your client.

24 So one, have you served your client with the motion  
25 to withdraw?

1 MR. GORDON: Yes. I have.

2 THE COURT: Okay. Second question. Retaining or  
3 charging lien. Are you asserting either of those two?

4 MR. GORDON: Seeking a charging lien, Your Honor.

5 THE COURT: Okay. All right. Let's go off the  
6 record for one minute. I'm going to put the two of you in a  
7 breakout room, okay, and we'll chat briefly?

8 MR. GORDON: Okay.

9 THE COURT: All right. Let me stop the recording.  
10 Mr. Isser, is that okay with you?

11 MR. ISSER: It's fine, Your Honor. Yes. Of  
12 course.

13 THE COURT: Okay. Hold on one second. It will  
14 only take a few minutes.

15 (Whereupon a recess was taken)

16 THE COURT: All right. So I'm back. I see Mr.  
17 Blackburn, Mr. Gordon, and Mr. Isser. Okay.

18 So Mr. Gordon, I will grant your motion to withdraw  
19 as counsel. Okay? So your motion has been granted.

20 All right. Now, one more issue. Mr. Blackburn, I  
21 know you filed a notice to dismiss Ms. Maraj and also a  
22 motion for partial dismissal as to some of the claims against  
23 Mr. Petty. Is that right? Sorry. You're muted. Say that  
24 again.

25 MR. BLACKBURN: Correct. Correct, Your Honor.

1 THE COURT: Okay. So the question I have for you  
2 is there is still a pending motion for default against  
3 Defendant Petty; is that right?

4 MR. BLACKBURN: Yes, Your Honor.

5 THE COURT: All right. Do you intend to proceed  
6 with that motion at this time in light of the voluntary  
7 dismissals you've filed?

8 MR. BLACKBURN: Yes, Your Honor. The motion  
9 practice has already been completed. And we're just waiting  
10 for the Court's decision.

11 THE COURT: All right. Now, it's a bit unclear as  
12 to which claims you want to move for default on in light of  
13 the voluntary dismissal as to Petty.

14 MR. BLACKBURN: The remaining clauses of action,  
15 Your Honor, which is --

16 THE COURT: Understood. Understood. But your  
17 motion for default is as to all claims, including those that  
18 you've already dismissed, right?

19 MR. BLACKBURN: Correct, Your Honor. Yes.

20 THE COURT: Right. So my suggestion is I think  
21 it'd be easier if you were to refile if you do intend to move  
22 for a default still against Mr. Petty, all right, as to just  
23 those claims that are surviving after your notice to  
24 withdraw, okay?

25 MR. BLACKBURN: Okay.

1 THE COURT: Okay. Mr. Isser, any objection?

2 MR. ISSER: No. It's a little unclear from the  
3 notice exactly what claims are dismissed. It was kind of  
4 hard to follow. I guess that will straighten it out.

5 And I'm also curious -- it's not necessarily  
6 related, but Defendant's withdrawn certain allegations based  
7 on a Rule 11 motion from Defendant Maraj, withdrawn certain  
8 allegations against Defendant Maraj. That motion, though, is  
9 in his default motion against her. But he hasn't withdrawn  
10 them against Defendant Petty.

11 And he's made the same baseless allegations against  
12 my client, that he's a member of a gang and things like that.  
13 So I'm just curious if we'll be getting withdrawals of these  
14 kind of allegations against my client as well.

15 THE COURT: Go ahead, Mr. Blackburn.

16 MR. BLACKBURN: Your Honor, Mr. Petty published a  
17 video on Instagram that says, and I'm paraphrasing here, gang  
18 shit, gang shit, heavy on the Macs, heavy on the Macs. And  
19 he throws up the gang sign for Mac Baller Brims. So one  
20 could assume that he's a member of the gang if he's saying  
21 gang shit, gang shit, heavy on the Macs. And I'll be more  
22 than happy to provide that to the Court.

23 THE COURT: Okay. Understood. So you're going to  
24 as a matter of course, then, go ahead, withdraw your motion  
25 for default. I'll give you leave to refile in light of the

1 claims that you believe are still pending after your notice  
2 of voluntary dismissal.

3 Okay. So the question is, Mr. Blackburn, how much  
4 time do you need to refile?

5 MR. BLACKBURN: I'm seeking about a week or -- two  
6 weeks, Your Honor.

7 THE COURT: Okay. All right. So I'm looking at my  
8 calendar now. All right. So how about this? By the close  
9 of business today, file a letter withdrawing your motion for  
10 default, and I'll give you two weeks to refile. All right?  
11 Just so it's so clear on the docket.

12 So by February 14th, you can refile your motion.  
13 Okay?

14 MR. BLACKBURN: Okay.

15 MR. ISSER: Your Honor.

16 THE COURT: Yes.

17 MR. ISSER: I assume we're not rebriefing it. It's  
18 just going to be -- going to use the same papers; is that  
19 correct?

20 MR. BLACKBURN: Yes, Your Honor. I'm not going to  
21 be rebriefing it either. I'm just going to remove and  
22 clarify which counts it's going to be relating to.

23 THE COURT: Well, look. I leave it up to the  
24 parties as to what they're going to refile or resubmit. All  
25 right? But make it clear as to what you're moving for

1 default on, what claims you believe are surviving after  
2 notice of dismissal as to Petty, okay?

3 So Mr. Isser, I leave it up to you as well. If you  
4 want to tweak your response as well, I leave that up to you.  
5 Okay?

6 MR. ISSER: All right. We'll work it. Yes, Your  
7 Honor. Thank you. I'll work that out with counsel. If he's  
8 not putting any new argument or anything in his papers, we  
9 may just be able to agree to, you know, have it decided on  
10 the papers submitted.

11 THE COURT: Okay. Understood. Look, I don't think  
12 it's going to be a heavy lift for either party. All right?

13 MR. ISSER: Agreed.

14 THE COURT: Mr. Isser, how much time do you need to  
15 respond?

16 MR. ISSER: Well, I guess that depends on what  
17 we're agreeing to. If we're going to go on the papers  
18 submitted, I would think two weeks. But it sounds like from  
19 the tenor of this conversation we're going to wind up resting  
20 on our papers. I guess just in case, two weeks is probably  
21 good.

22 THE COURT: Okay. So by February 28th. Okay.

23 All right. Anything else you want to address today  
24 for you, Mr. Blackburn?

25 MR. BLACKBURN: No, Your Honor.

1 THE COURT: Okay. Anything else for you, Mr.

2 Isser?

3 MR. ISSER: No, Your Honor.

4 THE COURT: Okay. With that, we're adjourned.

5 Have a nice day, everyone.

6 (Proceedings adjourned)

7

8 TRANSCRIBER'S CERTIFICATE

9 I certify that the foregoing is a correct  
10 transcript from the electronic sound recording of the  
11 proceedings in the above-entitled matter.

12

13 February 1, 2022

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16 Carrie Clouse, CET-1207

DATE

17 Legal Transcriber

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